

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LIFE UNIVERSITY, INC.,

Plaintiff,

v.

**BRAIN SYNERGY INSTITUTE,
LLC, KBCR, LLC, and CARRICK
BRAIN CENTERS,**

Defendants.

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**CIVIL ACTION NO.
1:13-cv-1741-SCJ**

ORDER

This matter appears before the Court on the Defendants' Motion for Costs Incurred in Connection with Plaintiff's Jurisdictional Discovery [Doc. No. 33].

Federal Rule of Civil Procedure 54(d)(1) provides in relevant part: "[u]nless a federal statute, these rules, or a court order provides otherwise, costs--other than attorney's fees--should be allowed to the prevailing party." Here, Defendants are the prevailing party (for purposes of the present motion) and the Court finds in the exercise of its discretion that Defendants are entitled to their costs.

In response to the Defendants' motion, Plaintiff objected to the travel expenses listed by Defendants as not authorized by the applicable statute (28 U.S.C. § 1920) in the absence of a proper showing of extraordinary or compelling circumstances.

Defendants did not file a reply to Plaintiff's objection. The Court agrees that said expenses are not taxable under the present factual circumstances. See Tang How v. Edward J. Gerrits, Inc., 756 F. Supp. 1540 (S.D. Fla. 1991), *aff'd*, 961 F.2d 174 (11th Cir. 1992). The Plaintiff acknowledges the remaining costs (pertaining to court reporter fees) listed by Defendants (at Doc. No. 33-2, p. 3) as authorized. The Court agrees that said court reporter fees (in the amount of \$2,465.13) are taxable.

Conclusion

Defendants' Motion for Costs Incurred in Connection with Plaintiff's Jurisdictional Discovery [Doc. No. 33] is **GRANTED in part** (as to the court reporter fees) and **DENIED in part** (as to travel expenses). Defendants are hereby awarded costs in the amount of **\$2,465.13**.

The Clerk is **DIRECTED** to tax the costs in accordance with this Order.

IT IS SO ORDERED, this 8th day of July, 2014.

s/Steve C. Jones
HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE